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Attorneys for Defendants
COUNTY OF SONOMA of which
SONOMA COUNTY SHERIFF'S DEPARTMENT
is a department

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

BRIAN J. PATENAUDE,
Plaintiff,

v.

COUNTY OF SONOMA; SONOMA
COUNTY SHERIFF'S DEPARTMENT;
SEAN MCDERMOTT; DOLORES
ROBINSON; RANDY NORTH; PHILLIP
LAWRENCE; and DOES 1 through 50,
inclusive,
Defendants.

Case No. C06-07783 MHP

**JOINT STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE THE INITIAL
CASE MANAGEMENT CONFERENCE
AND RE-SET DEADLINES**

Current Case Management Conference: April
30, 2007, 4:00 p.m.

Hon. Marilyn Hall Patel

1 WHEREAS, a Case Management Conference in the above-captioned matter is currently
2 set for April 30, 2007, at 4:00 p.m., before this Court;

3 WHEREAS, lead trial counsel representing Plaintiff plans to attend the Case Management
4 Conference in person, but has a pre-scheduled family-medical leave during the period of
5 approximately April 25, 2007 through May 8, 2007. The period of leave may be longer
6 depending upon the circumstances;

7 WHEREAS, counsel for Plaintiff and counsel for Defendant COUNTY OF SONOMA are
8 in the process of meeting and conferring to discuss and possibly resolve a potential motion under
9 Rule 12. The requested continuance would allow the parties to continue their meet and confer
10 efforts and potentially resolve the matter without the necessity of filing a motion. However, the
11 parties need additional time to conduct research and further meet and confer to potentially avoid
12 Court intervention in this matter;

13 WHEREAS, the individual defendants SEAN MCDERMOTT; DOLORES ROBINSON;
14 RANDY NORTH; PHILLIP LAWRENCE have not yet been served with the complaint in this
15 action. Counsel for the Defendant COUNTY OF SONOMA is conferring with her client
16 regarding accepting service on behalf of these individual defendants who are employees of the
17 COUNTY. An extension of time would allow the remaining individual defendants to file and
18 serve any responsive pleading at the same time as defendant COUNTY OF SONOMA;

19 WHEREAS, there was some initial delay in service of the complaint in that Plaintiff's
20 counsel was out of the office on family-medical leave during the months of January and February
21 2007;

22 WHEREAS, the parties have jointly agreed and stipulated to respectfully request that this
23 Court continue the Case Management Conference for a period of 45 to 60 days;

24 WHEREAS, this request is not being made for the purposes of delay, or any other
25 improper purpose; instead, this request is being made to allow lead trial counsel to participate
26 meaningfully at the CMC, and would provide the parties sufficient time to meet and confer to
27 potentially resolve the pending issues with respect to a Rule 12 motion;

WHEREAS, continuing the Case Management Conference for a period of 45 to 60 days will not prejudice either party or their counsel and will promote judicial economy;

WHEREAS, moving the Case Management Conference for a period of 45 to 60 days will allow for the defendants to appear in this action;

WHEREAS, the parties agree that the following constitutes good cause to continue the initial CMC, including the deadlines for filing responsive pleadings, initial disclosures, meet and confer regarding initial disclosures, the filing of responsive pleadings, and the filing of the joint CMC statement;

NOW, THEREFORE, IT IS HEREBY STIPULATED and agreed by Plaintiff and Defendant, through their respective attorneys of record, that the Case Management Conference in this action, currently set for April 30, 2007 at 4:00 p.m., be continued either to June 25, 2007 or July 2, 2007 at 4:00 p.m., or to a date and time that the Court may deem appropriate. The parties further stipulate to extend the following deadlines accordingly: (1) last day to complete initial disclosures, state objections, and file joint CMC statement and file/serve Rule 26(f) report: June 11, 2007; (2) last day to meet and confer regarding initial disclosures and file Joint ADR Certification with Stipulation: May 18, 2007; and (3) last day to file an answer and/or Rule 12 motion: May 8, 2007.

IT IS SO STIPULATED.

Dated: April 6, 2007

KAHN BROWN & POORE LLP

By: _____/s/

David M. Poore
Attorneys for Plaintiff

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1 Dated: April 6, 2007

SPAULDING MCCULLOUGH & TANSIL LLP

2
3 By: _____/s/_____

4 Lisa Ann Hilario
5 Attorneys for Defendant
6 COUNTY OF SONOMA

7 *Filer's Attestation: David M. Poore and Lisa Ann Hilario hereby attest that they have in their*
8 *respective files their holograph signatures for any of their signatures indicated by a "conformed"*
9 *signature /s/ within this e-filed document.*

10
11 **ORDER**

12
13 Having reviewed the Stipulation of the parties, and good cause appearing:

14 IT IS HEREBY ORDERED THAT the Case Management Conference in this action,
15 currently set for April 30, 2007, be continued to June 25, 2007 at 4:00 p.m. in
16 Courtroom 15, 18th Floor, San Francisco, California. The deadlines stated above ~~will be~~ are hereby
17 re-set in accordance with the stipulation.

18 IT IS SO ORDERED.

19
20 Date: April 23, 2007

